

**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/670,665
Filing Date	September 24, 2003
First Named Inventor	Parks, Thomas P.
Art Unit	1626
Examiner Name	Taofiq A. Solola
Attorney Docket Number	010692-009120US

**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form  
 Fee Attached  
 Response to Restriction Requirement  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_

- After Allowance Communication to Technology Center (TC)  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):  
Return Postcard

Remarks      The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name

Townsend and Townsend and Crew LLP

Joseph R. Snyder

Reg. No. 39,381

Signature

Date

September 1, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Judith Cotham

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Date

September 1, 2004



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PATENT

Attorney Docket No.: 010692-009120US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 9/1/04

TOWNSEND and TOWNSEND and BREW LLP

By:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas P. Parks *et al.*

Application No.: 10/670,665

Filed: September 24, 2003

For: STORE OPERATED CALCIUM  
INFLUX INHIBITORS AND METHODS  
OF USE

Customer No.: 20350

Confirmation No. 8360

Examiner: Taofiq A. Solola

Technology Center/Art Unit: 1626

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a Restriction Requirement dated August 5, 2004, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 41-46, drawn to compounds and composition thereof, classified in several heterocyclic classes (540, 544, 546, 548) and non-heterocyclic classes (558, 562, etc.), numerous classes.

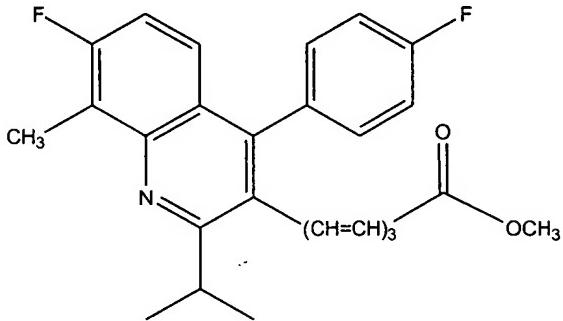
II. Claims 1-12, 82, drawn to methods of treating various inflammatory diseases, classified in classes 514, 548, 560, various subclasses.

III. Claims 66, 77, drawn to a method of blocking calcium influx, classified in classes 424, 514, 548, 560, various subclasses.

IV. Claim 83, drawn to methods of treating various types of diseases, classified in classes 434, 514, 548, 560, various subclasses.

In response, Applicants hereby elect Group I, drawn to heterocyclic compounds and compositions, with traverse. Claims readable thereon include claims 41-46 and 63.

As to the species election, Applicants hereby elect compound 24, shown on page 30 of the specification, which is reproduced below for the Examiner's convenience.



As the Examiner is aware, under M.P.E.P § 821.04, if Applicants elect claims directed to the product, and the product claims are allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claims must be rejoined. Process claims, which depend from, or otherwise include all the limitations of the patentable product, will be entered *as a matter of right*. Therefore, Applicants reserve the right to join withdrawn process claims which include all the limitations of allowable product claims.

PATENT  
Application No. 10/670,665  
Attorney Docket No. 010692-009120US

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Joseph R. Snyder  
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
JS:jc

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